



#13/Response  
4.3.03  
PATENT *CMoore*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ronny van't Oever, et al.

Serial No.: 09/874,493

Filed: June 5, 2001

For: OPTICAL METHOD AND APPARATUS  
FOR RED BLOOD CELL DIFFERENTIATION ON  
A CELL-BY-CELL BASIS, AND  
SIMULTANEOUS ANALYSIS OF WHITE  
BLOOD CELL DIFFERENTIATION

Attorney Docket No.: 6811.US.O1

Group Art Unit: 2876

**CERTIFICATE OF MAILING (37 CFR  
1.8(a)):**

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Commissioner for Patents  
Washington, D.C. 20231,

*Kimberly A. Iorio* 3-24-03  
Kimberly A. Iorio Date

**RESPONSE**

Commissioner for Patents  
Washington DC 20231

Dear Sir:

This Response is being submitted in connection with the second Office Action  
mailed December 31, 2002 in the above-captioned application. Reconsideration of the  
application in view of the following remarks is respectfully requested.

**REMARKS**

Claims 1-21 are pending. Claims 1- 12 and 21 are allowed. Claims 13 -20 stand  
rejected under 35 U.S.C. § 103(a).

**Rejections under 35 U.S.C. § 103(a)**

1) Claims 13 – 15 and 19 – 20 stand rejected under 35 U.S.C. § 103 as being  
obvious over Tycko, US Patent 5,194,909 (hereinafter “ ‘909 patent”) in view of  
Altendorf, US Patent 6,067,157 (hereinafter “ ‘157 patent”). Applicants respectfully  
traverse the rejection.

To establish a prima facie obviousness under § 103(a), the Examiner must  
identify, from a source other than Applicant’s own specification both (i) a suggestion to

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